

INTRODUCTION TO THE DECLARATION OF INDEPENDENCE



“**N**othing of importance this day,” George III wrote in his diary on July 4, 1776. Even after having received a rather ominous communication from his American colonies with that date, he never quite realized how wrong he had been.

As a practical matter, the Declaration of Independence publicly announced to the world the unanimous decision of the American colonies to declare themselves free and independent states, absolved from any allegiance to Great Britain. England had been waging war against the Americans for fourteen months, since the shot heard 'round the world at Concord, and General Washington was already moving a Continental army toward New York when the colonists decided to effect the final break. The Declaration of Independence formally recognized this immediate situation. But its real significance — then as well as now — was as a statement of the conditions of legitimate political authority and the proper ends of government, and as a proclamation of a new basis of political rule in the sovereignty of the people. James Madison, the Father of the Constitution, called it “the fundamental Act of Union of these States.”

On June 7, 1776, Richard Henry Lee, a delegate to the Second Continental Congress from Virginia, proposed resolutions to declare that “these United Colonies are, and of right ought to be, free and independ-

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ent states,” to establish a confederation and to seek foreign alliances. Each of these matters was referred to a select committee. On June 28, the committee to draft a statement embodying the first resolution submitted “A Declaration by the Representatives of the United States of America, in General Congress Assembled.” Congress passed Lee’s resolution in favor of independence on July 2, and then took three days to debate and amend the committee’s draft before approving it on July 4. The separation of Lee’s resolution and the committee’s draft suggests that more was required than a simple statement of withdrawal from the British empire; a “decent respect for the opinions of mankind” demanded a broader statement of principle.

Although Congress had appointed a distinguished committee — including John Adams, Benjamin Franklin, Roger Sherman, and Robert Livingston — the Declaration of Independence is chiefly the work of Thomas Jefferson. By his own account, Jefferson was neither aiming at originality nor taking from any particular writings but was expressing the “harmonizing sentiments of the day,” as expressed in conversation, letters, essays, or “the elementary books of public right, as Aristotle, Cicero, Locke, Sidney, etc.” In this he was correct: the basic theory of the document reflected English Whig theory as it had evolved in the preceding century and a half. George Mason, for instance, had anticipated much of its substance in his draft of the Virginia Declaration of Rights in June 1776. Certainly the Declaration’s language stressing man’s natural rights calls to mind the great influence of John Locke. But the idea of government created by the consent of the governed (known as the social compact theory of government) was well established in the colonies. So was the idea that the purpose of government is to secure the people’s safety and happiness (the commonwealth theory). Jefferson intended the Declaration to be “an expression of the American mind,” and wrote so as to “place before mankind the common sense of the subject, in terms so plain and firm as to command their assent.”

The structure of the Declaration of Independence is that of a com-

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mon-law legal document; the stated purpose is to “declare the causes” which impelled the Americans to separate from the British. The document’s famous second paragraph is a powerful synthesis of American constitutional and republican government theories. Its opening words are striking: “We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness.” All men have a right to liberty only in so far as they are by nature equal, which is to say none are naturally superior, and deserve to rule, or inferior, and deserve to be ruled. Because men are endowed with these rights, the rights are unalienable, which means that they cannot be given up or taken away. And because individuals equally possess these rights, governments derive their just powers from the consent of those governed. The purpose of government is to secure these fundamental rights and, although prudence tells us that governments should not be changed for trivial reasons, the people retain the right to alter or abolish government when it becomes destructive of these ends.

The remainder of the document is a bill of indictment accusing King George III of some thirty offenses, some constitutional, some legal and some matters of policy. (One of the best: “He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our People, and eat out their substance.”) The key charge was that the king had conspired with Parliament to subject America to a “jurisdiction foreign to our constitution.” At this point in their constitutional development, the Americans argued that a common king with authority over each of the colonies was their only binding legal connection with Great Britain. Parliament was not a party to the various original compacts with the individual colonies, they held, and thus could not regulate their internal affairs; the king was, however, but through his actions leading up to the American Revolution, he had intentionally violated those agreements. By explicitly placing America outside his protection, George III had himself dissolved their obligations of allegiance. The combined charges against the king

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were intended to demonstrate a history of repeated injuries, all having the object of establishing “an absolute tyranny” over America. And while the colonists were “disposed to suffer, while Evils are sufferable, the time had come to end the relationship: “But when a long train of abuses and usurpations, pursuing invariably the same Object, evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government.”

The Declaration of Independence and the liberties recognized in it are grounded in a higher law to which all human laws are answerable. This higher law can be understood to derive from reason — the truths of the Declaration are held to be “self-evident” — but also revelation. There are four references to God in the document: to “the laws of nature and nature’s God”; to all men being “created equal” and “endowed by their Creator with certain unalienable rights”; to “the Supreme Judge of the world for the rectitude of our intentions”; and to “the protection of divine Providence.” The first term suggests a deity that is knowable by human reason, but the others — God as creator, as judge and as providence — are more biblical, and add (and were assuredly intended to add) a theological context to the document. “And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are a gift of God?” Jefferson asked in his *Notes on the State of Virginia*, “That they are not to be violated but with his wrath?”

One charge that Jefferson had included, but Congress removed, was that the king had “waged cruel war against human nature” by introducing slavery and allowing the slave trade into the American colonies. The words offended delegates from Georgia and South Carolina, who were unwilling to acknowledge that slavery violated the “most sacred rights of life and liberty,” and the passage was dropped for the sake of unanimity. This dispute foreshadowed the central debate of the American Civil War, which Abraham Lincoln saw as a test to determine whether a nation “conceived in liberty and dedicated to the proposition that all men are created equal” could endure. (See Note on Slavery, p. 281)

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Nevertheless, the true significance of the Declaration lies in its trans-historical meaning. As far back as Magna Carta, British subjects (such as the Whigs during the Glorious Revolution of 1688) had always petitioned for justice to their long-held rights as Englishmen. Early on, American objections to British misrule — as when they were taxed without their consent — had been based on appeals to the British (unwritten) constitution. But for the Declaration of Independence, and numerous other documents like it at the time of the American Revolution, British law was important but ultimately insufficient. The appeal was not to any conventional law or political contract but to the equal rights possessed by all men — English or Scottish, Protestant or Catholic, white or black — and “the separate and equal station to which the Laws of Nature and nature’s God” entitled them as a people.

What is revolutionary about the Declaration of Independence, then, is not that a particular group of Americans declared their independence under particular circumstances but that they did so by appealing to — and promising to base their particular government on — a universal standard of justice. It is in this sense that Abraham Lincoln praised “the man who, in the concrete pressure of a struggle for national independence by a single people, had the coolness, forecast, and capacity to introduce into a merely revolutionary document, an abstract truth, applicable to all men and all times.” It was this truth which established in principle that the practice of slavery was fundamentally incompatible with American liberty.

On July 5, copies of the Declaration were sent to various state assemblies, conventions, and committees of safety. It appeared in the *Pennsylvania Evening Post* on July 6, was first publicly proclaimed on July 8 in Philadelphia, and General Washington had it read aloud to his assembled soldiers on July 9.

— MATTHEW SPALDING